

In the Senate of the United States,

May 24, 2006.

Resolved, That the bill from the House of Representatives (H.R. 5037) entitled “An Act to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Respect for America’s*

3 *Fallen Heroes Act”.*

1 **SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT**
 2 **CEMETERIES UNDER THE CONTROL OF THE**
 3 **NATIONAL CEMETERY ADMINISTRATION AND**
 4 **AT ARLINGTON NATIONAL CEMETERY.**

5 *(a) PROHIBITION.—*

6 *(1) IN GENERAL.—Chapter 24 of title 38, United*
 7 *States Code, is amended by adding at the end the fol-*
 8 *lowing new section:*

9 **“§2413. Prohibition on certain demonstrations at**
 10 **cemeteries under control of the National**
 11 **Cemetery Administration and at Arling-**
 12 **ton National Cemetery**

13 *“(a) PROHIBITION.—No person may carry out—*

14 *“(1) a demonstration on the property of a ceme-*
 15 *tery under the control of the National Cemetery Ad-*
 16 *ministration or on the property of Arlington National*
 17 *Cemetery unless the demonstration has been approved*
 18 *by the cemetery superintendent or the director of the*
 19 *property on which the cemetery is located; or*

20 *“(2) with respect to such a cemetery, a dem-*
 21 *onstration during the period beginning 60 minutes*
 22 *before and ending 60 minutes after a funeral, memo-*
 23 *rial service, or ceremony is held, any part of which*
 24 *demonstration—*

1 “(A)(i) takes place within 150 feet of a
2 road, pathway, or other route of ingress to or
3 egress from such cemetery property; and

4 “(ii) includes, as part of such demonstra-
5 tion, any individual willfully making or assist-
6 ing in the making of any noise or diversion that
7 disturbs or tends to disturb the peace or good
8 order of the funeral, memorial service, or cere-
9 mony; or

10 “(B) is within 300 feet of such cemetery
11 and impedes the access to or egress from such
12 cemetery.

13 “(b) DEMONSTRATION.—For purposes of this section,
14 the term ‘demonstration’ includes the following:

15 “(1) Any picketing or similar conduct.

16 “(2) Any oration, speech, use of sound amplifi-
17 cation equipment or device, or similar conduct that is
18 not part of a funeral, memorial service, or ceremony.

19 “(3) The display of any placard, banner, flag, or
20 similar device, unless such a display is part of a fu-
21 neral, memorial service, or ceremony.

22 “(4) The distribution of any handbill, pamphlet,
23 leaflet, or other written or printed matter other than
24 a program distributed as part of a funeral, memorial
25 service, or ceremony.”.

1 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 2 *tions at the beginning of such chapter is amended by*
 3 *adding at the end the following new item:*

“2413. *Prohibition on certain demonstrations at cemeteries under control of Na-*
tional Cemetery Administration and at Arlington National
Cemetery.”.

4 (b) *CONSTRUCTION.*—*Nothing in section 2413 of title*
 5 *38, United States Code (as amended by subsection (a)),*
 6 *shall be construed as limiting the authority of the Secretary*
 7 *of Veterans Affairs, with respect to property under control*
 8 *of the National Cemetery Administration, or the Secretary*
 9 *of the Army, with respect to Arlington National Cemetery,*
 10 *to issue or enforce regulations that prohibit or restrict con-*
 11 *duct that is not specifically covered by section 2413 of such*
 12 *title (as so added).*

13 **SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UN-**
 14 **APPROVED DEMONSTRATIONS AT CEME-**
 15 **TERIES UNDER THE CONTROL OF THE NA-**
 16 **TIONAL CEMETERY ADMINISTRATION AND AT**
 17 **ARLINGTON NATIONAL CEMETERY.**

18 (a) *PENALTY.*—*Chapter 67 of title 18, United States*
 19 *Code, is amended by adding at the end the following new*
 20 *section:*

1 **“§ 1387. Demonstrations at cemeteries under the con-**
 2 **trol of the National Cemetery Administra-**
 3 **tion and at Arlington National Cemetery**

4 “Whoever violates section 2413 of title 38 shall be fined
 5 under this title, imprisoned for not more than one year,
 6 or both.”.

7 (b) CLERICAL AMENDMENT.—The table of sections at
 8 the beginning of such chapter is amended by adding at the
 9 end the following new item:

“1387. Demonstrations at cemeteries under the control of the National Cemetery
 Administration and at Arlington National Cemetery.”.

10 **SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF**
 11 **DEMONSTRATIONS NEAR MILITARY FUNER-**
 12 **ALS.**

13 *It is the sense of Congress that each State should enact*
 14 *legislation to restrict demonstrations near any military fu-*
 15 *neral.*

Attest:

Secretary.

109TH CONGRESS
2D SESSION

H. R. 5037

AMENDMENT